

1 PHILLIP A. TALBERT  
2 United States Attorney  
3 JESSICA A. MASSEY  
Assistant United States Attorney  
2500 Tulare Street, Suite 4401  
Fresno, CA 93721  
Telephone: (559) 497-4000  
Facsimile: (559) 497-4099  
5

6 Attorneys for Plaintiff  
United States of America  
7

8 IN THE UNITED STATES DISTRICT COURT  
9  
EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

CASE NO. 1:22-CR-00306-JLT-SKO

11 Plaintiff,

12 v.

13 DALE WESLEY HUBBARD, and  
14 DARLENE CRYSTAL VIERA,

STIPULATION AND PROTECTIVE ORDER

15 Defendants.  
16

17 WHEREAS, the discovery in this case involves information, including documentation,  
18 photographs, audio recordings, and video recordings, related to a confidential informant whose safety  
19 may be compromised if their identity were disclosed prematurely (the “Protected Information”); and

20 WHEREAS, the parties desire to have the Protected Information produced to undersigned  
21 defense counsel;

22 The parties agree that entry of a stipulated protective order is appropriate.

23 THEREFORE, Dale Wesley Hubbard and Darlene Crystal Viera (“Defendants”), by and through  
24 their counsel of record, respectively, Kevin Rooney and Barbara Hope O’Neill (“Defense Counsel”),  
25 and the United States of America, by and through Assistant United States Attorney Jessica A. Massey,  
26 hereby agree and stipulate as follows:

27 1. This Court may enter a protective order pursuant to Rule 16(d) of the Federal Rules of  
28 Criminal Procedure, and its general supervisory authority.

1       2. This Order pertains to the Protected Information, the Bates numbers pertaining to which  
2 will be specified when produced to Defense Counsel (“the discovery”). This Order also relates to any  
3 verbal communications between the government and Defense Counsel about the confidential  
4 informant’s identity or location.

5       3. By signing this Stipulation and Protective Order, Defense Counsel agrees not to share any  
6 documents, recordings, or other information, verbal or written, that contain Protected Information with  
7 anyone other than defense investigators and support staff. Defense Counsel may permit Defendants to  
8 review *redacted* documents in the presence of their attorney, defense investigators, and support staff.  
9 The parties agree that Defense Counsel, defense investigators, and support staff (the “defense team” for  
10 each respective defendant) shall not allow Defendants or anyone else outside of the defense team to  
11 copy or retain Protected Information contained in the discovery.

12       4. The discovery and information therein may be used only in connection with the litigation  
13 of this case and for no other purpose. Defense Counsel will return the discovery to the government or  
14 certify that it has been destroyed at the conclusion of the case. The government agrees to provide a  
15 complete copy of the discovery to successor counsel.

16       5. Defense Counsel will store the discovery in a secure place and will use reasonable care to  
17 ensure that it is not disclosed to third persons in violation of this agreement.

18       6. Defense Counsel shall be responsible for advising Defendant, employees, other members  
19 of the defense team, and defense witnesses of the contents of this Stipulation and Order.

20       7. In the event that Defendant substitutes counsel, the government and substitute counsel  
21 will arrange for the disclosure of discovery to successor counsel. Undersigned counsel will return the  
22 discovery to the government and the government agrees to provide a complete copy of the discovery to  
23 successor counsel.

24       8. Defense Counsel reserves the right to later seek to have the terms of this Order modified or  
25 revoked. The government acknowledges that in the event this case approaches trial setting, defense  
26 counsel will likely seek to modify or revoke this order. Defense counsel acknowledges that the  
27 government may also seek to modify this order with respect to unredacted discovery which may be  
28 provided to defense counsel as trial approaches. Undersigned defense counsel agrees that counsel will

1 not provide protected information to the defendant in contravention of the terms of this order unless  
2 authorized by the court and after the government has a reasonable time to challenge the court's ruling or  
3 make logistical arrangements regarding the confidential informant.

4 IT IS SO STIPULATED.

5 DATED: December 2, 2022

PHILLIP A. TALBERT  
United States Attorney

6  
7 By: /s/ Jessica A. Massey  
8 JESSICA A. MASSEY  
9 Assistant U.S. Attorney

10 DATED: December 2, 2022

11 By: /s/ Kevin Rooney  
12 KEVIN ROONEY  
13 Attorney for Defendant  
DALE WESLEY HUBBARD

14 DATED: December 2, 2022

15 By: /s/ Barbara Hope O'Neill  
16 BARBARA HOPE O'NEILL  
17 Attorney for Defendant  
DARLENE CRYSTAL VIERA

18 ORDER

19 The parties' protective order as set forth in the parties' stipulation is hereby ordered by  
20 the Court.

21 IT IS SO ORDERED.

22 Dated: December 5, 2022

23 /s/ Eric P. Gross  
24 UNITED STATES MAGISTRATE JUDGE